

United States District Court

for the
Western District of New York



United States of America

v.

Case No. 15-M- 2122

ARAFAT M. NAGI

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Beginning in or about August 2012, and continuing until the return date of this criminal complaint, in the Western District of New York, and elsewhere, the defendant, **ARAFAT M. NAGI**, a citizen of the United States, knowingly did attempt to provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b), that is, personnel and property, to a designated foreign terrorist organization, namely the Islamic State of Iraq and the Levant (ISIL), designated on October 15, 2004, and as amended May 15, 2014, under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224, knowing that ISIL was a designated foreign terrorist organization, had engaged and was engaging in terrorist activity, as that term is defined in Title 8, United States Code, Section 1182(a)(3)(B), and had engaged and was engaging in terrorism, as that term is defined in Title 22, United States Code, Section 2656f(d)(2), all in violation of Title 18, United States Code, Section 2339B(a)(1).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature
FEDERAL BUREAU OF INVESTIGATION
SPECIAL AGENT
AMANDA PIKE

Printed name and title

Sworn to before me and signed in my presence.

Date: July 28 2015




Judge's signature

City and State: Buffalo, New York

HONORABLE HUGH B. SCOTT
UNITED STATES MAGISTRATE JUDGE

Printed name and title

**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT**

STATE OF NEW YORK)
COUNTY OF ERIE)
CITY OF BUFFALO)

I, Special Agent **AMANDA PIKE**, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a criminal complaint in support of charges under 18 U.S.C. § 2339B, attempting to provide material support or resources to designated foreign terrorist organizations.

2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since July 15, 2012. I have been assigned to the Buffalo Division of the FBI for over two years. During my tenure in Buffalo, I have been assigned exclusively to the National Security Branch, investigating counterterrorism ("CT") matters and offenses, specifically with an international nexus. I have also been assigned as a liaison between the Counter Terrorism and Cyber squads, assisting on matters and cases that bridge the two divisions. I have participated in numerous terrorism-related and criminal investigations, employing a variety of techniques. It is part of my duty as a Special Agent to investigate violations of federal criminal law, to include 18 U.S.C. § 2339B.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that ARAFAT M. NAGI did knowingly, intentionally, and unlawfully attempt to provide material support and resources, namely, personnel (including himself), to a foreign terrorist organization, namely the Islamic State of Iraq and the Levant (ISIL), in violation of Title 18, United States Code, Section 2339B.

The Islamic State of Iraq and the Levant (ISIL)
a/k/a The Islamic State of Iraq and al-Sham (ISIS)

5. On October 15, 2004, the United States Secretary of State designated al-Qa'ida in Iraq (AQI), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of al-Qa'ida in Iraq ("AQI") as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant ("ISIL") as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al-Sham ("ISIS"), the Islamic State of Iraq and Syria ("ISIS"), ad-

Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. Although the group has never called itself "Al-Qaeda in Iraq (AQI)," this name has frequently been used to describe it through its history. Finally, in an audio recording publicly released on June 29, 2014, ISIS announced a formal change of ISIS's name to Islamic State ("IS"). To date, ISIL remains a designated FTO.

6. Since 2013, ISIL has claimed credit for a number of terrorist acts, including seizing Fallujah, a city in western Iraq, and rocket attacks in East Lebanon in March 2014. ISIL also claimed responsibility for the beheading of an American photojournalist on or about August 19, 2014, an American journalist on or about September 2, 2014, a British humanitarian aid worker on or about September 13, 2014 and a British aid worker on or about October 3, 2014.

PROBABLE CAUSE

Subject of the Investigation – Arafat M. Nagi

A. Background

7. ARAFAT M. NAGI is a United States Citizen who resides in Lackawanna, New York.

8. On August 28, 2014, a person previously convicted of terrorism offenses who is cooperating with the government (hereafter referred to as USPER1), was interviewed by the FBI regarding ARAFAT M. NAGI and advised that NAGI talks about jihad to various people in the Lackawanna community and that it is common for NAGI to get in verbal

altercations over his jihadi beliefs. Jihad, in this context, refers to violent jihad, including fighting of the type occurring in Syria.

9. During the August 2014 interview, USPER1 said that NAGI had recently traveled to Turkey. USPER1 also provided the following relevant email information for ARAFAT NAGI: **farooq_quhaif@yahoo.com**.

10. In response to a Grand Jury subpoena with regard to this email account, Yahoo! provided the following subscriber information associated with the email account:

Full Name:	Farooq Quhaif
Alternate Communication Channels:	XXX-XXX-3429
Zip/Postal Code:	14218

11. Zip code 14218 is associated with Lackawanna, New York, where NAGI resides. In addition, on September 19, 2014, when NAGI returned to the United States at the Detroit Metropolitan Airport in Detroit, Michigan, after being overseas for approximately 2 months, he provided the following telephone number: XXX-XXX-3429. As such, I believe this Yahoo! email account is used by NAGI.

12. Subsequent searches of Custom and Border Protection (CBP) records confirmed that NAGI traveled to Istanbul, Turkey on July 24, 2014, where NAGI stayed for ten days. On August 4, 2014, NAGI then continued from Istanbul to Yemen, where he appears to have stayed until returning to the United States.

B. NAGI's Statements to CBP Officer Upon Returning to the United States

13. On September 19, 2014, NAGI returned to the U.S. and was interviewed by U.S. Customs and Border Protection at the Detroit International Airport, Detroit, Michigan. NAGI advised that he traveled to Istanbul, Turkey for 10 days of vacation to get away from family. NAGI stated that he only traveled to Istanbul and stayed at the Airport Holiday Inn. NAGI then continued onward to Sana'a, Yemen and traveled overland to Nadra, Yemen to visit his uncle for approximately one month. NAGI further stated that he does not support AQAP, ISIS, Al Qaeda or other mujahedeen groups in word, deed or with currency. When he returned to the United States, NAGI was in possession of three electronic devices, an iPad, an iPhone and a Nokia cell phone.¹ As set forth below, NAGI's September 19, 2014, statements to federal law enforcement are inconsistent with his statements on the Twitter account that has been linked to him, conversations he had while in Turkey, and web searches performed on his electronic devices while in Turkey.

C. NAGI's Travel to Turkey in 2012

14. A search of CBP records indicated NAGI also took a one-day trip to Turkey in October of 2012 (departing JFK to Istanbul October 20, 2012, returning October 21, 2012). According to the records, NAGI's 2012 trip was booked for a 3 month stay in Turkey, and then travel on to Yemen.

¹ Pursuant to their authority, Customs and Border Protection (CBP) and Homeland Security Investigations (HSI) inspected and interviewed NAGI upon his return to the US. As a result, HSI detained the 3 referenced electronic devices from NAGI. FBI Buffalo subsequently obtained a Search and Seizure Warrant for said devices.

15. On November 4, 2014, U.S. Magistrate Judge Hugh B. Scott authorized a Search and Seizure Warrant for 3 electronic devices belonging to NAGI, as a result of the subsequent search, investigators discovered an August 2013 What'sApp conversation between NAGI and an individual identified as "Nada" on the iPhone. Based on my review of the text messages, I believe the conversation references this 2012 trip.

16. On August 27, 2013 beginning at 19:35:31 EDT, the user of telephone number XXX-XXX-1010 messages NAGI's WhatsApp account and states, **"What's up cuz!"** NAGI responds, **"Hey nada how ya doin cuz ma sha Allah she's a beauty"**. The user of XXX-XXX-1010 responds **"Alhamdilla I'm doing well... I was at Layla's the other day and she told me ur back (...) How was Syria and turkey?"** Your Affiant notes that based on the text, your Affiant believes that the user of XXX-XXX-1010 is a female named Nada and possibly NAGI's cousin (based on references within the conversation identifying each individual as "cuz", short for cousin). Your Affiant further notes that your Affiant believes the reference to "Layla" is a reference to NAGI's sister. NAGI then replies, **"I didn't stay to [sic] long I had to come back home because gallbladder almost burst had to a emergency flight back in sha Allah I'm making plans to go again"**.

17. The conversation continues. The user of XXX-XXX-1010 states, **"Y do I [sic] keep going to the Middle East with all these wars going on... u need to find a wife and calm down"**. NAGI responds **"I'm good not worried I wanted help the Syrian people I feel for them walla my heart bleeds for them (...) Bad"**.

D. NAGI's eBay Purchases and Twitter Postings

18. As set forth below, NAGI purchased a tactical vest, army combat shirt, body armor, Shahada Flag, and combat boots before his October 20-21, 2012, trip to Turkey, which was booked for a three month stay but, according to his WhatsApp conversations detailed above, was cut short due to a gallbladder infection. After returning from his trip to Turkey in October 2012, and before and after his August 27, 2013, WhatsApp conversation, NAGI continued to purchase military combat items and items associated with ISIL before his trip to Turkey in July 2014, while posting several pro-ISIL tweets on a Twitter account. The timing of NAGI's purchases (see below), tweets, and conversations all confirm that he intended to travel to Syria through Turkey in October 2012, and that he continued to purchase items in preparation to join ISIL, via travel to Syria through Turkey, in July 2014.

19. **eBay Purchases²:** Pursuant to GJ Subpoenas issued to eBay/PayPal, Inc. on or about October 29, 2014, Ebay/PayPal, Inc. provided the FBI information for accounts associated to "Arafat Nagi", "DOB 6-Sep-70", and Shipping Address "Arafat Nagi, 151 Olcott St. Buffalo, NY, 14218". Within the results provided by eBay/PayPal, Inc. on or about November 3, 2014, it was revealed that NAGI made the following purchases of interest during this relevant time frame.

- a. On August 19, 2012, NAGI purchased a Tactical Vest with Armor Plates.
- b. On August 28, 2012, NAGI purchased an Army Combat Shirt.

² Your affiant notes that the number of NAGI's eBay/PayPal purchases far exceeds the items listed herein. The items listed have been provided as a sample only, they do not represent the entirety of the military/combat style gear purchased. The FBI further notes that NAGI's eBay/PayPal purchases also revealed a number of other, non-derogatory purchases, to include items such as cologne and hair products.

- c.* On September 3, 2012, NAGI purchased Body Armor 6'x8' Side Trauma Plates.
- d.* On September 16, 2012, NAGI purchased a Shahada Flag³.
- e.* On September 23, 2012 NAGI purchased Army Combat Boots.
- f.* On January 26, 2013, NAGI purchased an Islamic Headband, "Middle East/Arabic/Allah/Hamas Style."
- g.* On March 28, 2013, NAGI purchased Military Woodland Camouflage Combat Men's Pants.
- h.* On April 2, 2013, NAGI purchased Black Kevlar Hard Knuckle Tactical Gloves.
- i.* On April 4, 2013, NAGI purchased a Tactical Combat Stealth Face Mask.
- j.* On April 13, 2013, NAGI purchased a Military Style Outdoor Mountaineering Backpack.
- k.* On May 5, 2013, NAGI purchased a Military Style Combat Tactical Hunting Knife, Machete.
- l.* On September 16, 2013, NAGI purchased a Burn Kit.
- m.* On August 26, 2013, NAGI purchased a Large Black Islamic Seal of the Prophet Shahadah Flag.
- n.* On September 22, 2013, NAGI purchased Night Vision Goggles with Head Mount.

³ The Shahada flag, a black flag typically showing the Islamic creed or "shahada" in white script, expressing "There is no god but Allah, and Muhammad is his messenger". Although not inherently associated with violent jihad, the flag has been known to be commonly adopted for use by jihadists and Islamic terrorist organizations around the world (to include ISIL, Boko Haram, the Taliban, Jabhat al-Nusrah, etc).

- o. On September 23, 2013, NAGI purchased a Camouflage Long Sleeve T-Shirt.

20. **NAGI's Twitter Account:** Following the interview with USPER1 in August 2014, and based on information that NAGI actively pursued "jihadist" content in the online format, investigators performed subsequent searches in popular social networking websites (Facebook, Twitter, Instagram, etc.), sometimes used by terrorist organizations in organizing individuals and disseminating terrorist-related propaganda. A search performed on Twitter utilizing known email addresses revealed the account **@farooq_quhaif**, which is the same name used on the Yahoo! email account used by NAGI.

21. A federal Grand Jury subpoena was issued to Twitter regarding the subscriber information relating to the **@farooq_quhaif** account. On October 17, 2014, Twitter responded that the email used to create the Twitter account was farooq_quhaif@yahoo.com, which, as set forth in paragraphs above (See ¶¶9-11), is associated with NAGI. Furthermore, the IP address used to create the Yahoo! email account (72.88.90.55) is the same one used when the Twitter account was created (72.88.90.55).

22. Investigators performed cursory reviews of the information publically available on the Twitter page associated with **@farooq_quhaif** (https://twitter.com/farooq_quhaif). By and large, tweets/retweets associated with **@farooq_quhaif** were posted in the Arabic language. The number of potentially relevant tweets was in excess of 7,000. In 2014, prior to NAGI's trip to Turkey, the following

Tweets were posted from NAGI's Twitter account, which have been preliminarily translated from Arabic by an FBI linguist, who is proficient in the Arabic and English languages:

- Avatar @farooq_quhaif Abu Amir al-Yemeni⁴ #Will remain. Jan 11. I am Abu Amir al-Yemeni of the Quhayf tribe, and give my pledge to hear and obey Abu Bakr al-Baghdadi @zakareea20@salil_sawarim7@AsawirtiMedia

a. Based upon my training and experience, I believe that Abu Bakr Al-Baghdadi is a reference to Ibrahim 'Awaad Ibrahim 'Ali al-Badri a/k/a Abu Du'a a/k/a Amir al-Muminin Caliph Ibrahim a/k/a Abu Bakr al-Baghdadi al-Husseini al-Qurashi. Al-Baghdadi is the self-proclaimed Caliph of the Islamic State (a/k/a ISIL (Islamic State of Iraq and the Levant) a/k/a ISIS (Islamic State of Iraq and al Sham)). Al-Baghdadi has been listed as a Specially Designated Global Terrorist under E.O. 13224 by the U.S. Department of State since October 4, 2011. Based upon my training and experience, I believe that in the above tweet NAGI has pledged allegiance to the Islamic State and al-Baghdadi as his Emir.

- Avatar @farooq_quhaif Abu Amir al-Yemeni#Will remain. Apr 15.
Whose wisdom is better than God's?
The Islamic State of Iraq and the Levant.
Youtube.com/watch?v=n6o8Vp...

⁴ Your affiant believes "Abu Amir al-Yemeni of the Quhayf tribe" is a reference to NAGI. "Abu" is a common prefix in Arabic meaning "father of". NAGI is known to have a son Amir (i.e. Abu Amir). Al-Yemeni is believed to be a reference to NAGI's Yemeni heritage. Your affiant further notes in NAGI's 2014 CBP interview, NAGI informed CBP Officers he is a member of the "Al Quhaif" tribe (believed to be an alternate transliterated form of Quhayf).

b. Based upon my training and experience, I believe that the above tweet demonstrates that NAGI is promoting ISIL and their cause on Twitter.

- Avatar @farooq_quhaif Abu Amir al-Yemeni#Will remain. April 17.
Ansar Support@
Amen, O, God.
Amen, O, God.
Amen, O, God.
May God protect you our leader, al-'Adnani and our prince Abu Bakr al-Qurashi, the State, peace, will remain, God willing

c. Based upon my training and experience, I believe that Al-Adnani is a reference to Abu Mohammed al-Adnani. Al-Adnani is an official spokesman for and a senior leader of ISIL. Al-Adnani is the main conduit for ISIL's dissemination of official messages, including the declaration of the creation of an Islamic Caliphate in Iraq. Al-Adnani has been designated as a Specially Designated Global Terrorist under E.O. 13224 since August 8, 2014. Based upon my training and experience, I believe this tweet further demonstrates NAGI's allegiance to the Islamic State (i.e., ISIL).

- Avatar @farooq_quhaif Abu Amir al-Yemeni#Will remain. Apr 25.
Swear your allegiance to the prince of the believers al-Baghdadi, may God protect him. May you perish in your resentment, you traitors.
[Youtube.com/watch?v=yssqKM...](https://www.youtube.com/watch?v=yssqKM...)

d. Based upon my training and experience, I believe that by urging others to pledge allegiance to al-Baghdadi, NAGI has encouraged others to embrace an extremist ideology and attempted to recruit them in allegiance to the Islamic State (i.e., ISIL).

23. As of September 12, 2014, the Twitter handle @farooq_quhaif had 412 followers. Additionally, @farooq_quhaif followed 278 unique Twitter handles. Of these handles (both followed by and following NAGI), there are approximately 124 common handles (i.e., handles that are both following and followed by the same handle). A review of the 278 Twitter handles that NAGI followed found approximately 140 that featured profile pictures of ISIL flags, photos of al-Baghdadi or Osama bin Laden, photos of weapons or of individuals in military fatigues, photos of recent beheadings, or other images which could reasonably be described as violent or terrorism-related in nature. Of the 412 Twitter handles following NAGI, approximately 187 of them showed images that could reasonably be described as violent or terrorism-related in nature. Examples further depicting the nature of NAGI's support of ISIL, to include images contained in NAGI's tweets:



Figure 1: Image obtained from NAGI's Twitter account appearing to show ISIL affiliated fighters



Figure 3: Image obtained from NAGI's Twitter account appearing to show ISIL fighters



Figure 2: Image obtained from NAGI's Twitter account appearing to show Bakr al-Baghdadi

24. On Friday, February 21⁵, NAGI posted a Tweet, tagging two individuals, @aboturky_alsham and @falojasniper, indicating that "Our State is victorious, God willing." Your Affiant notes that the "State" is believed to refer to the Islamic State (i.e., ISIL).

25. On Sunday, April 06, NAGI posted a photo of a deceased Islamic State soldier and the following text, "Oh, you who are defaming the Islamic State, its soldiers shall be present at time of death. Those who have brains ought think & learn."

26. On Thursday, May 15, NAGI posted a photo of an individual being beheaded, and the following text: "Today, this filth has been killed in the state of Hums. He waged a tougher war against Muslims. It is your paradise, rather, slaughter."

27. Also on Thursday, May 15, NAGI posted a photo appearing to depict an individual about to be executed by two individuals (one holding a fire arm, the other holding a large butcher knife) and text indicating "And over here, the Mujahidin give options to the

⁵ All referenced tweets in paragraphs 24 through 29 were made in calendar year 2014, but are included in this affidavit as they appeared on the Twitter feed.

Denying soldier, be killed by bullets or by knife; and they say that the State does not have freedom of choice.” Again, your Affiant notes that the “State” is believed to refer to the Islamic State (i.e., ISIL).



Figure 4: Image obtained from NAGI's Twitter account showing an individual about to be executed

28. On Sunday, May 18, NAGI tweeted a photo of three severed heads and text (in Arabic), “God is the Greatest. The three heads, those who dug their graves by their own hands.”

29. On Thursday, July 24, the same day NAGI departs for Turkey, NAGI posted a photograph of six severed heads as well as the following text, “God is the greatest, Al-Nassiri’s soldiers, in Unit 17, have been slaughtered by the hands of God’s Soldiers.”

30. As of September 25, 2014, the Twitter profile associated with @farooq_quhaif was not visible to investigators and appeared to have been deactivated. Based on your

Affiant's experience, I believe NAGI deactivated this Twitter profile after he returned to the U.S. and was interviewed by CBP Officers as referenced above. I further believe he deactivated the account in an attempt to shield from law enforcement his prior pledge in support of ISIL on his Twitter account.

E. NAGI's Travel to Turkey in 2014

31. During the August 2014 interview, USPER1 also stated that NAGI recently traveled to Turkey. As previously stated, subsequent searches of Custom and Border Protection (CBP) records confirmed that NAGI did, indeed, travel to Istanbul, Turkey on July 24, 2014, where NAGI stayed for ten days. On August 4, 2014, NAGI then continued from Istanbul to Sana'a, Yemen.

32. As a result of a Grand Jury Subpoena issued to TangoMe, Inc.⁶ for accounts associated to NAGI's known telephone number (XXX-XXX-3429), TangoMe, Inc. provided the content of certain Tango text conversations. Your Affiant notes that within this content, conversations that took place during NAGI's July 2014 travel to Istanbul were located. Two of these conversations contained content that I believe is relevant to this investigation.

⁶ TangoMe, Inc. is a mobile messaging service with more than 250 million registered members around the world, and combines communications, social networking, and content in a single platform.

33. The first such conversation, occurring on July 27, 2014, occurred between NAGI's account and the user of account XXX-XXX-9162 (listed in the TangoMe, Inc. return as "Nibela 76", believed to be NAGI's sister⁷).

34. Beginning on July 27, 2014, at 11:31 PM, "Nibela 76" messages NAGI's TangoMe account, "**Al Akuma aslam, just seen your message (...) Good, hru? Well did you make it (...) Like with them or wat (...) Yeah right, you hanging with them now (...) I was really spectacle (sic) so was found cuz you weren't sure so you finally with them (...) I meant are brother fuzy.but I don't believe you with them**". Your Affiant believes that "Nibela 76"'s references to "them" are references to the individuals NAGI claimed to have contact with in Syria who would assist him in crossing the Turkish border. Your Affiant further believes that "Nibela 76" is expressing disbelief that NAGI has met up with "them" and further expresses that their "**brother fuzy**" (believed by your Affiant to be a reference to NAGI's brother) was also skeptical ("**spectacle**"). Your Affiant further notes that this conversation indicates that NAGI discussed with his family his true intent and purpose in traveling to Turkey prior to his departure.

35. NAGI responds, "**I'm talking with them for the first time (...) No not yet they are a fee (sic) hours away from me (...) They gave me directions how to get to them**

⁷ Your Affiant notes that based on the account name listed, "Nibela 76", your affiant believes that "Nibela" is NAGI's sister, whose year of birth is 1976. Furthermore, the telephone number "Nibela 76" is associated to is registered to an individual who is believed to be NAGI's sister's husband.

(...)But because of eid today there are no buses". "Nibela 76" states, "Ok well let me know when you see in person".

36. NAGI goes on to describe the Turkish people, language, and food. "Nibela 76" then states, **"Fuzzy (sic) . said u coming back u went on vacation you not getting in".** Your Affiant believes **"Fuzzy"** refers again to FOUZY, NAGI and NIBELA's brother. Your Affiant believes that **"you not getting in"** refers to NAGI's intent to enter Syria from a Turkish border town. NAGI responds, **"I ain't Fouzy when set my myself on something I'm doing it I'm not like him (...) Call me hard headed but that's how I am even my father used to say it and everybody (...) I'm only a few hours away from there (...) I wouldn't waste money I don't have for a vacation I'm not careless with money like Fouzy (...) He couldn't even give a dollar (...) That's why he has no luck (...) But I'll keep in touch n let you how it went but it looks good for me Allah answered my dua".** Your Affiant believes that NAGI is advising "Nibela 76" that he did not travel to Turkey with the intent to vacation and that NAGI's statement that he is only "a few hours away from there", is a reference to the Syrian border and his intent to travel there.

37. Based on my training and experience, I believe NIBELA's inquiry, if NAGI "[made] it", if he is "with them", and her indications that she did not "believe [NAGI]" was "with them" supports the assertion that NAGI's sister believed NAGI traveled to Turkey with intent other than to vacation in Istanbul and that NAGI informed members of his family prior to his departure of his true intention. NAGI's responses to NIBELA further evidence NAGI's intent to travel from Turkey to Syria. For instance, the indication that

“they” are a “fee (sic) hours away from [him]” is consistent with the assertion that NAGI intended to continue on to the Syrian border. Furthermore, NAGI further asserts that he “wouldn’t waste money [he] [doesn’t] have for a vacation”, confirming that NAGI’s intent in travelling to Istanbul was not for the purpose of vacation. NAGI further states “I ain’t Fouzy when set my [sic] myself on something I’m doing it I’m not like him...I’m only a few hours away from there.” This conversation also highlights the fact that NAGI claims to have made personal contact with individuals, who he is “talking with...for the first time” and who have provided him directions to “get to them”.

38. The second conversation, occurring on July 28, 2014, occurred between NAGI’s account and the user of account XXX-XXX-2307 (believed to be NAGI’s son⁸). NAGI contacts AMIR and states **“I found it it was in the back pack”**. AMIR responds, **“Your atill (sic) at the hotel (...) Everything looks good.”** NAGI responds, **“I talked them personally (...) Yea I leave Tuesday to meet my friends because of eid everything is closed no buses (...) In sha Allah we started joking with each other already and my other friends told me they are trustworthy (...)”**. The conversation continues, AMIR then states, **“Eid Mubarak. In sha Allah Allah will grant you your destiny and make it easy for you”**, NAGI responds **“Amin”**.

⁸ Your affiant notes that NAGI is known to have two children, a son and a daughter. Within the results provided by TangoMe, Inc., the User of XXX-XXX-2307 is listed as “Amir Quaif”. “Quhaif” is reported, by NAGI in a CBP interview, to be NAGI’s tribal name. Additionally, within the contacts section of NAGI’s phone, the contact listed with XXX-XXX-2307 is the first name of NAGI’s son.

39. Your Affiant asserts that NAGI's claim that he "talked to them personally" and intends to "leave Tuesday to meet [his] friends", who are "trustworthy", contradicts NAGI's later claims to U.S. CBP Officers (upon his return to the US) that he traveled to Turkey only to visit Istanbul for the purpose of vacation and supports the notion that NAGI traveled to Turkey en route to Syria in order to provide material support to ISIL. Based on my training and experience, I believe AMIR's comment that "... **Allah will grant you your destiny and make it easy for you**", is reference to NAGI's desire and intent to join ISIL in Syria.

40. As a result of the search of NAGI's electronic devices, seized pursuant to a Search and Seizure Warrant issued by Magistrate Judge Scott, your Affiant discovered records of internet searches and cached images, executed and captured during the relevant time frame of NAGI's 10 day stay in Istanbul.

41. Located on the seized iPad were a series of screen captures which displayed a search on booking.com for a 3 night stay in Iskenderun, Turkey for the dates of August 5, 2014 and August 8, 2014.



Figure 5: Search history image captured on NAGI's iPad on 08/03/2014, Booking.com search for hotels in Iskenderun

42. NAGI also appeared to have searched on the iPad for flights from Istanbul to Hatay Airport as well as bus schedules and travel information to Hatay Province⁹.

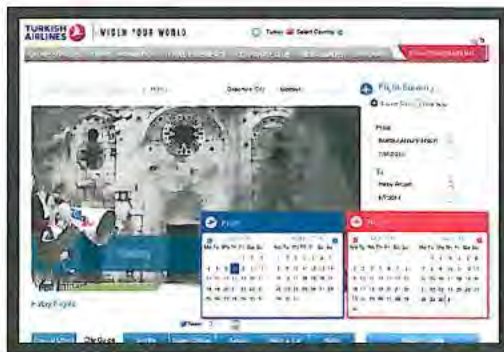


Figure 6: Search history image captured on NAGI's iPad on 07/31/2014, Turkish Airlines search for flights to Hatay Airport

43. Your Affiant notes the significance of this search given Iskenderun's proximity to the Syrian border, NAGI's indications to CBP Border Officers that he had no intent to travel anywhere other than Istanbul, and NAGI's anticipated flight from Istanbul

⁹ Your affiant is aware that Hatay Province, Turkey's southernmost province, is sandwiched between Syria and the Mediterranean, and has become a pivotal location in the conflict in Syria due to its geography and demography. Additionally, Iskenderun (Hatay Province's main port city) is in close proximity (approximately a 1 hour and 20 minutes drive) to the Bab al Hawa border crossing into Syria.

to Sana'a on August 4, 2014. Your Affiant notes that if NAGI was researching flights and hotel rooms for dates later than his scheduled departure to Sana'a, this reveals that at a time, he may not have intended to make the second leg of his flight. Your Affiant further notes that NAGI's flight was booked as a single trip (i.e. JFK, New York to Sana'a, Yemen, with a 10 day lay-over in Turkey). Your Affiant is aware that individuals aspiring to join ISIL in Syria are counseled to book tickets with alternate destinations and layovers in strategic locations/countries in order to hide the true nature of their travel, with no intent to fully complete the final leg of the journey. Your Affiant opines that given NAGI's pledge of allegiance to ISIL, his insinuations that he contacted individuals and intended to travel to meet them following his arrival in Istanbul, and his searches for transportation and hotels for dates beyond the timeframe he was scheduled to be in Turkey indicate that NAGI may have booked this flight with the same intent (i.e., to conceal his travel from authorities).

44. In the 2015 ISIL published eBook, "Hijrah to the Islamic State", the writer notes, "*Travelers to Syria usually want to reach Turkey. But for safety reasons, they buy a ticket for an indirect holiday country like Spain or Greece so their destination doesn't seem suspicious.*" Your Affiant notes that NAGI's booking of a ticket to Yemen (where NAGI has family and reason to travel) with an extended (10 day) layover in Turkey may have been an attempt to disguise his travel. The eBook writer further states, "*When a person reaches Turkey, they will rent a hotel and make contact with someone in Syria. This is often done by a known Twitter contact. A contact is important because once a person is in Turkey, they will require protection in addition to not knowing where to go to, or who to trust.*" Your Affiant notes that NAGI's lack of tourism activity while in Turkey, his initial short term booking at the Holiday Inn (only for 4 days),

and conversations he had after arriving advising that he had contacted his “friends” and intended to travel by bus to meet them, indicate that NAGI did not intend to travel to Turkey for tourism and intended to continue on from the Holiday Inn. Furthermore, the writer of the eBook further states that in 2012-2014, *“most common method used to be (2012-14) to simply make contact with a friend before crossing the Syrian Baab al- Salaam or Baab al-Hawwa border crossings, and the traveler dresses casually and does not look religious.”* Your Affiant highlights the proximity of Iskenderun and Hatay to the Baab al-Hawwa border. Your Affiant notes that the 2015 book goes onto indicate that the method for entering Syria has since changed, (*“Sanliurfa in Turkey (border crossing: Tal Abyad [Akcacale in Turkey] (see map) – it is safer because it is closer to al-Raqqah –the capital of the Islamic State- in Syria.”*) However, during the relevant time of NAGI’s travel, the Baab al-Hawwa border was recommended for aspiring fighters.

45. Further review of the search history in NAGI’s iPad during the same time NAGI was researching travel to Iskenderun/Hatay also revealed searches and viewing of ISIL associated images and content.



Figure 7: Cached image captured on NAGI’s iPad on 07/31/2014, containing text that extols the virtues of jihad.

46. Additionally, review of NAGI's web history also revealed several maps which appear to show ISIL controlled border crossings and strongholds.



Figure 8: Cached image captured on NAGI's iPad on 07/30/2014, depicting crossings under opposition control (green circle) and crossings under Syrian regime control (red triangle)



Figure 9: Cached image captured on NAGI's iPad on 07/30/2014, depicting a map of Middle Eastern countries/cities, marked with ISIL flags

47. Concurrent with these searches, NAGI also appears to have researched the Turkish National Intelligence Organization. Your Affiant notes (and further elaborates in later paragraphs) that upon NAGI's return to the United States, he engaged in a

conversation with an associate of his (hereinafter referred to as USPER2)¹⁰ during which he (NAGI) advised that during his stay in Istanbul, he believed he was being followed by an intelligence agency and disposed of a SIM card in order to conceal the contacts he made while he was there. Your Affiant asserts that based on NAGI's research of the Turkish National Intelligence Organization and NAGI's claims to USPER2, NAGI may have discontinued his attempt to travel to Syria based on concerns that he was being followed.



Figure 10: Search History Image captured on NAGI's iPad on 07/27/2014, Turkish National Intelligence Organization

48. On August 4, 2014, NAGI then continued from Istanbul to Sana'a, Yemen.

¹⁰ [REDACTED]

F. NAGI's Statements to USPER2 Following His Return to the U.S.

49. During an FBI interview, on or about December 2, 2014, USPER2 stated that NAGI came to visit him on or about November 6, 2014, and that NAGI still possessed radical political and religious views. According to USPER2, NAGI was angry about the killing of rebels in Yemen and that NAGI believed that the United States was responsible. Further, USPER2 stated that NAGI told him/her that NAGI had pledged an oath to the ISIL leader Al-Baghdadi. Further, USPER2 stated that NAGI expressed agreement with ISIL's tactics that included the killing of innocent men, women, and children, believing that they were justified because the victims were not Muslims. USPER2 advised the FBI that s/he believed that because NAGI took this oath NAGI is compelled to act on behalf of ISIL and expressed concern that NAGI may do something in the United States.

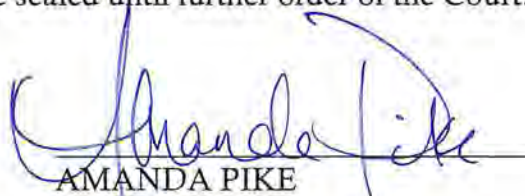
50. In an interview with USPER2 on or about February 11, 2015, USPER2 indicated that on or about February 8 or 9, 2015, NAGI discussed with USPER2 the burning of the captured Jordanian pilot by ISIL and advised USPER2 that it was permissible for ISIL to do so, stating "do to them as they do to you." NAGI further justified the action by stating that "they drop bombs and burn people." Your Affiant opines that "they" likely refers to coalition forces currently engaging ISIL. At this time, NAGI also advised USPER2 that during his travel to Turkey, he (NAGI) felt that he was being followed. NAGI also advised that he had telephonically contacted individuals in Syria and threw away the SIM card from his telephone prior to returning to the U.S.

51. In an interview with USPER2 on or about February 26, 2015, USPER2 stated that NAGI advised that he intends to travel to Yemen and Turkey again soon. NAGI told USPER2 that he is awaiting a settlement from an insurance claim in order to purchase his ticket. NAGI further advised USPER2 that given the difficulties NAGI encountered on his return from Yemen in September 2014, he (NAGI) may want USPER2 to “make a call.” USPER2 understood that NAGI wanted him/her to contact a family member of his/hers who resides in Yemen and is known to be able to obtain fraudulent passports.

52. In an interview with USPER2 on or about March 3, 2015, USPER2 advised that s/he was visited by NAGI on or about February 28, 2015. NAGI advised that he anticipated receiving the insurance money in a few months and intended to travel to Yemen, then to Turkey, then on to Syria. NAGI further explained to USPER2 that once in Yemen, they would leave to Turkey from Aden, Yemen.¹¹ NAGI was not specific, but indicated that it would be easier to travel to Turkey from Aden, Yemen then Sana’a, Yemen. USPER2 asked NAGI if it would be possible to meet Al Baghdadi while in Syria. NAGI advised USPER2 that it would be possible if they met the right people during their travel there. NAGI also inquired if USPER2 knew about alternative means of travel to the United Kingdom (such as trains or boats) and if USPER2 is aware of similar travel from there to Turkey. USPER2 indicated he believed NAGI asked about this because NAGI believes to be on the “black list” and aspires to avoid the detection of law enforcement.

¹¹ Your affiant notes that USPER2 expressed an interest in travelling with NAGI in order to elicit information from NAGI and did not intend to actually accompany Nagi.

53. The totality of information included in this affidavit, including NAGI's online activities indicating his support for ISIL, a public pledge of allegiance to ISIL, an online appeal encouraging others to pledge allegiance, as well as attempts to encourage others to engage in jihad, his prior overseas travel to Turkey, which is a known travel route for prospective Syria fighters, extensive purchases of military/combat style gear, and multiple references to his personal associates as to the purpose and true destination of his travel, and his resolve to continue to attempt to join ISIL in Syria, support the fact that probable cause exists that evidence of a violation of 18 U.S.C. § 2339B, attempting to provide material support or resources to a designated foreign terrorist organizations, has been committed by ARAFAT NAGI. That is, evidence demonstrating NAGI knowingly attempted to provide material support and resources, namely, personnel (including himself), to a foreign terrorist organization, namely the Islamic State of Iraq and the Levant (ISIL). I therefore request that the Court issue the proposed criminal complaint and arrest warrant. I further request that the Court order the criminal complaint be sealed until further order of the Court.


AMANDA PIKE
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on

this 28th day of July, 2015


HONORABLE HUGH B. SCOTT
United States Magistrate Judge